IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 16220 of 1996

Between:

1 elamanchili panduranga rao, s/o y.venkataramaiah,
krishnapuram, pamidimukkala mandal,
krishna district.
2 kagita bhaskar rao, s/o k.sri ramulu,
krishnapuram, pamidimukkala mandal,
krishna district.
3 kagita ratna manikyamma w/o subba rao,
krishnapuram, pamidimukkala mandal,
krishna district.
4 yarlagadda lakshmikanthamma w/o malleswara rao,
krishnapuram, pamidimukkala mandal,
krishna district.

..... petitioners

and

1 The District collector
krishna at machilipatnam.
2 the land acquisition officer-cum- revenue divisional officer
nuzvid krishna district.
3 the mandal revenue officer,
pamidimukkala mandal, krishna dist
4 sri venugopal swamy temple, rep by its executive officer,
krishnapuram, pamidimukkala mandal,
krishna dist.
5 k.venkateswara rao, s/o shobhanadri,
rr5 impleaded as per court order at 24-2-97 in wpmp28788/96
6 v.mallikarjuna rao s/o pothu raju
rr6 impleaded as per court order at 24-2-97 in wpmp28788/96
7 s.venkata ram babu, s/o venkatanarayana
rr7 impleaded as per court order at 24-2-97 in wpmp28788/96
8 s.varaprasad, s/o subbarao
rr8 impleaded as per court order at 24-2-97 in wpmp28788/96

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more in the nature particularly one in the nature of writ of mandamus declaring that the 4(1) notification published in the extraordinary gazatte dt.17-7-1996 for acquisition of the lands in s.no's.107 and 110 of krishnapuram village, pamidimukkala mandal, krishna district belonging to sri venugopala swamy temple which is in possession of the petitioners as tenants for the purpose of constructing house sites to the weaker sections as arbitrary illegal and contrary to the guidelines issued by the government and struck down the same.

Counsel for the Petitioner: MR.P.R.PRASAD

Counsel for the Respondents 1 to 3: GP FOR LAND ACQUISITION

Counsel for Respondent No.4: V.Tulasi Reddy.

Counsel for Respondent Nos.5 to 8: M.Prabhakar Rao.

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.16220 OF 1996

ORDER:

This writ petition is filed questioning the acquisition proceedings initiated under the Land Acquisition Act,1894 notifying the land in Survey Nos.107 and 110 of Krishnapuram village, Pamidimukkala Mandala of Krishna District.

It is not in dispute that the said land belongs to fourth respondent-Temple and the petitioners are cultivating the said lands as tenants. It is the case of the petitioners that they are small farmers and are eking out their livelihood only by cultivating the lands, which are notified. It is also stated that the government issued orders prohibiting the acquisition of land belonging to the temple.

At the stage of admission, this Court granted interim orders and in view of the said interim orders, the petitioners are in possession of the land. Whether the petitioners are small farmers and whether the acquisition is in violation of the government orders, is a matter to be adjudicated in an enquiry contemplated under Section 5A of the Land Acquisition Act,1894.

Inasmuch as the writ petition is of the year 1996 and there is an interim order all along and in view of the grounds raised in the writ petition, I deem it appropriate to dispose of the writ petition setting aside the declaration issued under Section 6 of the Land Acquisition Act, 1894. I further direct the

respondents to conduct enquiry as contemplated under Section 5-A of the Land Acquisition Act and take steps accordingly.

Subject to above observation, the writ petition is disposed of. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.16.02.2005.

Mdaa

Copy to:

1 The District collector
krishna at machilipatnam.
2 The Land Acquisition Officer-cum- Revenue Divisional Officer
Nuzvid Krishna district.
3 The Mandal Revenue Officer,
Pamidimukkala mandal, Krishna Dist.

4. Two C.Cs to G.P.for Land Acquisition, High Court of A.P., Hyderabad (OUT)

5. Two C.D.copies.